

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES F. MOORE,)	CASE NO. 8:07CV448
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
UNKNOWN WATSON and O.P.D.,)	
)	
Defendants.)	

This matter is before the court on its own motion. On August 17, 2009, the court entered a Memorandum and Order stating that “Plaintiff has failed to conduct any discovery, failed to communicate with Defendants in any fashion, and failed to respond to Plaintiff’s Interrogatories, Request for Production and Requests [for] Admission. . . . Indeed, Plaintiff has not taken any action in this matter since he returned the completed summons forms to the court on August 25, 2008.” (Filing No. [20](#).) The court permitted Plaintiff the opportunity to show cause why this matter should not be dismissed for failure to prosecute diligently. ([Id.](#))

On September 16, 2009, Plaintiff filed a Response to the court’s Memorandum and Order. (Filing No. [21](#).) In his Response, Plaintiff briefly restated his claims. ([Id.](#)) However, Plaintiff did not set forth any reason for his failure to respond to discovery or to communicate with Defendants regarding this matter. In short, Plaintiff has failed to show adequate cause for his failure to prosecute this matter diligently and it is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to prosecute this matter diligently; and

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 22nd day of October, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge